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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,049	08/21/2006	Klaus Niesen	3786	8093
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			EXAMINER PHAM, LAMP	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 12/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/590,049

**Applicant(s)**

NIESEN ET AL.

**Examiner**

LAM P. PHAM

**Art Unit**

2612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/21/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 8/21/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: after "secured", delete "wherein it is possible for" and insert "comprises" in order to define components of the device for registering. Appropriate correction is required.
2. Claim 16 is objected to because of the following informalities: claim needs to end with a "period" on line 6. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the closure" in line 5. There is insufficient antecedent basis for this limitation in the claim. Dependent claims are similarly rejected due to claim dependency.
6. Claim 16 recites the limitation "the closure" in line 3. There is insufficient antecedent basis for this limitation in the claim. Dependent claims are similarly rejected due to claim dependency.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 6-8, 10-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Neff et. al.** (US 2004/0233054).

**Re claim 1**, Neff discloses a device for registering the opening of closures of spaces (container or cargo) to be secured comprising: a sealing module (21) includes a sensor (22), a microprocessor (48), a memory (49 or tag memory), and a wireless communication device (RFID tag 54), to be attached to the closure in such a way that the sensor detects a movement ([0017]) and writes data documenting the movement into the memory ([0018]); and a detection unit (readers: mobile devices, laptops, desktop, fixed devices 30) includes at least one wireless communication device (RF transceiver,[0016]), a microprocessor (controller of reader), and a memory (memory of reader), which are embodied to read out at least the data documenting the movement from the memory of the sealing module and to write these data into the memory of the detection unit as seen in figures 1-4; [0016] to [0030].

Re claim 2, Neff discloses the wireless communication devices are effective at close range (up to 300 feet) and the detection unit is mobile (mobile/handheld devices 31) as seen in figure 1; [0017].

Re claim 3, Neff discloses the wireless communication devices are RFID components (RFID tag 54) as seen in Figure 2.

Re claim 4, Neff disclose the detection unit (reader 30) is stationary (fixed devices 34) as seen in figure 1; [0030].

Re claim 6, Neff discloses the sealing module (21) is integrated into the closure as seen in [0021].

Re claim 7, Neff discloses the sealing module (21) is integrated into a closing element (wall of container) that secures the closure as seen in [0021].

Re claim 8, Neff disclose an encrypted communication is provided between the sealing module (1) and the detection unit (11) as seen in [0028] and [0029].

Re claim 10, Neff discloses the sensor (22) is a position sensor that detects the closed/opened position of the door as seen in [0019].

Re claim 11, Neff disclose the sensor (6) is a magnetic sensor (magnetic switch) as seen in [0017].

Re claim 12, Neff disclose the data that document a movement are provided with a timestamp as seen in [0020] to [0022].

Re claim 13, Neff discloses the detection unit (30) is able to write data regarding the respective location of use into the memory of the sealing module and read out said data from the memory as seen in [0030].

Re claim 14, Neff discloses the detection unit has a program that displays the stored data regarding closures of a secured object on a screen and, with the aid of a

menu, predefines a sequential check of the associated sealing modules, correspondingly displaying on the screen the respective sealing modules being checked as seen in [0030].

Re claim 15, Neff discloses the detection unit (30) includes means for connecting to a database (computer at user end), which stores all sealing and unsealing actions as well as all information regarding the opening of sealed closures as seen in [0030].

**Re claim 16**, Neff disclose a method for registering the opening of closures of spaces to be secured, wherein when the closure is opened, a signal of a sensor is written into a memory that is situated together with the sensor at the closure and subsequently, the content of the memory is read out via a wireless communication, stored in a detection unit and displayed for reviewing by user as seen in claim 1 for explanation and [0030].

Re claim 17, Neff disclose the wireless communication occurs by means of the RFID method as seen in figure 2; [0019].

Re claim 18, Neff disclose after a sealing module is attached to the closure, the sealing module is activated by means of a wireless communication from the detection unit as seen in [0030].

Re claim 19, Neff disclose the signal of the sensor is associated with a timestamp in the memory as seen in [0020] to [0022].

Re claim 20, Neff discloses a program (application programs) provided in the detection unit predetermines the attachment, the activation, and the reading out from the memory of a plurality of sealing modules as seen in [0028] to [0030].

Re claim 21, Neff discloses the contents of the memories of the sealing modules are transmitted into a database (memories of the readers including desktop, laptops, mobile devices as seen in figure 1).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Neff** et. al.

Re claim 5, Neff fails to disclose the sealing module is embodied in the form of an ID01-format card. Since Neff discloses the sealing module containing RFID tag that is well known in the art for identification and authenticating purposes when it is attached to an object in a thin-profile shape or card-shaped, and the RFID tag contains an identification number or code programmed by an RFID reader unique to the tag, it would have been obvious to one of ordinary skilled in the art to realize that the sealing module (21) containing the RFID tag of Neff to be embodied in the form of an ID01-format card

or other known format as a matter of programming/protocol predefined by the cooperating reader.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neff et. al. in view of **Stieff** et al. (US 4262284).

Re claim 9, Neff fails to disclose the sealing module (21) has an optical display unit for indicating the current status.

Stieff et al. in same field of endeavor teach of a self-monitoring seal comprising a display (108) for displaying the current status of the seal as seen in figure 1-2 and 5-6; col. 1, lines 45-55.

In view of Stieff teaching regarding the optical display on the seal for identifying the current status of the seal, it would have been obvious to one of ordinary skilled in the art to provide the optical display as taught by Stieff and incorporate it into the sealing module of Neff such that a current status of the seal is easily and conveniently indicated to a user of the seal.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM P. PHAM whose telephone number is (571)272-2977. The examiner can normally be reached on 10AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BENJAMIN C. LEE can be reached on 571-272-2963. The fax phone



Art Unit: 2612

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 12, 2008

Lam P Pham  
Examiner  
Art Unit 2612

/Benjamin C. Lee/

Supervisory Patent Examiner, Art Unit 2612